

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEVIN JOHNSON,

Defendant.

No. 14 CR 390

Hon. Amy J. St. Eve

NOTICE OF APPEAL

Please take notice that the defendant, Kevin Johnson, hereby appeals the judgment entered against him on February 29, 2016. Specifically, Mr. Johnson appeals the denial of his motion to dismiss his indictment based upon a challenge to the constitutionality of the statute, 18 U.S.C. § 43(a), 43 (a) (2)(C), and 43(b)(2)(A), entered on March 5, 2015.

Dated: March 2, 2016

Respectfully submitted,

/s/ Michael E. Deutsch

Michael Deutsch
Peoples Law Office
1180 N. Milwaukee Ave.
Chicago, Illinois 60642
(773) 235-0070

um

UNITED STATES DISTRICT COURT

Northern District of Illinois

UNITED STATES OF AMERICA

v.

KEVIN JOHNSON

JUDGMENT IN A CRIMINAL CASE

Case Number: 14 CR 390-1

USM Number: 47353-424

Michael Deutsch
Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) one of the indictment.
☐ pleaded nolo contendere to count(s) which was accepted by the court.
☐ was found guilty on count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. 43(a)(2)(C)	Conspiring to travel in interstate commerce with the purpose of damaging an animal enterprise	08/15/2013	ONE

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s)
☒ Any remaining counts are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this District within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

February 29, 2016
Date of Imposition of Judgment

Signature of Judge

Amy J. St. Eve, United States District Judge
Name and Title of Judge

Date

2016 MAR -1 AM 11:49

2-29-16

DEFENDANT: KEVIN JOHNSON
CASE NUMBER: 14 CR 390-1

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 22 months (The court imposed a sentence of 36 months but gave the defendant a 14 month credit for his state court sentence. This 14 month credit includes the 4 months covering the time of the indictment in this case to the defendant's transfer back to state custody for a total term of 22 months).

- ☒ The court makes the following recommendations to the Bureau of Prisons: That the defendant be placed at a Bureau of Prisons facility in Lompoc, California.
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at _____ on _____
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2:00 pm on _____
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows: _____

Defendant delivered on _____ to _____ at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: KEVIN JOHNSON

CASE NUMBER: 14 CR 390-1

MANDATORY CONDITIONS OF SUPERVISED RELEASE PURSUANT TO 18 U.S.C § 3583(d)

Upon release from imprisonment, you shall be on supervised release for a term of:
three years.

You must report to the probation office in the district to which you are released within 72 hours of release from the custody of the Bureau of Prisons. The court imposes those conditions identified by checkmarks below:

During the period of supervised release:

- ☒ (1) you shall not commit another Federal, State, or local crime.
- ☒ (2) you shall not unlawfully possess a controlled substance.
- ☐ (3) you shall attend a public, private, or private nonprofit offender rehabilitation program that has been approved by the court, if an approved program is readily available within a 50-mile radius of your legal residence. [Use for a first conviction of a domestic violence crime, as defined in § 3561(b).]
- ☐ (4) you shall register and comply with all requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16913).
- ☒ (5) you shall cooperate in the collection of a DNA sample if the collection of such a sample is required by law.
- ☒ (6) you shall refrain from any unlawful use of a controlled substance AND submit to one drug test within 15 days of release on supervised release and at least two periodic tests thereafter, up to 104 periodic tests for use of a controlled substance during each year of supervised release. [This mandatory condition may be ameliorated or suspended by the court for any defendant if reliable sentencing information indicates a low risk of future substance abuse by the defendant.]

DISCRETIONARY CONDITIONS OF SUPERVISED RELEASE PURSUANT TO 18 U.S.C § 3563(b) AND 18 U.S.C § 3583(d)

Discretionary Conditions — The court orders that you abide by the following conditions during the term of supervised release because such conditions are reasonably related to the factors set forth in § 3553(a)(1) and (a)(2)(B), (C), and (D); such conditions involve only such deprivations of liberty or property as are reasonably necessary for the purposes indicated in § 3553 (a)(2) (B), (C), and (D); and such conditions are consistent with any pertinent policy statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994a. The court imposes those conditions identified by checkmarks below:

During the period of supervised release:

- ☒ (1) you shall provide financial support to any dependents if financially able.
- ☒ (2) you shall make restitution to a victim of the offense under § 3556 (but not subject to the limitation of § 3663(a) or § 3663A(c)(1)(A)).
- ☐ (3) you shall give to the victims of the offense notice pursuant to the provisions of § 3555, as follows: [redacted]
- ☒ (4) you shall seek, and work conscientiously at, lawful employment or pursue conscientiously a course of study or vocational training that will equip you for employment.
- ☐ (5) you shall refrain from engaging in a specified occupation, business, or profession bearing a reasonably direct relationship to the conduct constituting the offense, or engage in such a specified occupation, business, or profession only to a stated degree or under stated circumstances; (if checked yes, please indicate restriction(s)) [redacted]
- ☒ (6) you shall refrain from knowingly meeting or communicating with any person whom you know to be engaged, or planning to be engaged, in criminal activity and from:
 - ☐ visiting the following type of places: [redacted]
 - ☐ knowingly meeting or communicating with the following persons: [redacted]
- ☒ (7) you shall refrain from ☐ any or ☒ excessive use of alcohol (defined as ☒ having a blood alcohol concentration greater than 0.08; or ☐), or any use of a narcotic drug or other controlled substance, as defined in § 102 of the Controlled Substances Act (21 U.S.C. § 802), without a prescription by a licensed medical practitioner.
- ☒ (8) you shall refrain from possessing a firearm, destructive device, or other dangerous weapon.
- ☒ (9) ☐ you shall participate, at the direction of a probation officer, in a substance abuse treatment program, which may include urine testing up to a maximum of 104 tests per year.
 - ☒ you shall participate, at the direction of a probation officer, in a mental health treatment program, which may include the use of prescription medications.
 - ☐ you shall participate, at the direction of a probation officer, in medical care; (if checked yes, please specify: [redacted].)
- ☐ (10) (intermittent confinement): you shall remain in the custody of the Bureau of Prisons during nights, weekends, or other intervals of time, totaling [redacted] [no more than the lesser of one year or the term of imprisonment authorized for the

DEFENDANT: KEVIN JOHNSON

CASE NUMBER: 14 CR 390-1

offense], during the first year of the term of supervised release (provided, however, that a condition set forth in § 3563(b)(10) shall be imposed only for a violation of a condition of supervised release in accordance with § 3583(e)(2) and only when facilities are available) for the following period [REDACTED].

- ☐ (11) (community confinement): you shall reside at, or participate in the program of a community corrections facility (including a facility maintained or under contract to the Bureau of Prisons) for all or part of the term of supervised release, for a period of [REDACTED] months.
- ☐ (12) you shall work in community service for [REDACTED] hours as directed by a probation officer.
- ☐ (13) you shall reside in the following place or area: [REDACTED], or refrain from residing in a specified place or area: [REDACTED].
- ☒ (14) you shall remain within the jurisdiction where you are being supervised, unless granted permission to leave by the court or a probation officer.
- ☒ (15) you shall report to a probation officer as directed by the court or a probation officer.
- ☒ (16) ☒ you shall permit a probation officer to visit you ☒ at any reasonable time or ☐ as specified: [REDACTED],
☒ at home ☒ at work ☒ at school ☒ at a community service location
☒ other reasonable location specified by a probation officer
- ☒ you shall permit confiscation of any contraband observed in plain view of the probation officer.
- ☒ (17) you shall notify a probation officer promptly, within 72 hours, of any change in residence, employer, or workplace and, absent constitutional or other legal privilege, answer inquiries by a probation officer.
- ☒ (18) you shall notify a probation officer promptly, within 72 hours, if arrested or questioned by a law enforcement officer.
- ☐ (19) (home confinement): you shall remain at your place of residence for a total of [REDACTED] months during nonworking hours. [This condition may be imposed only as an alternative to incarceration.]
☐ Compliance with this condition shall be monitored by telephonic or electronic signaling devices (the selection of which shall be determined by a probation officer). Electronic monitoring shall ordinarily be used in connection with home detention as it provides continuous monitoring of your whereabouts. Voice identification may be used in lieu of electronic monitoring to monitor home confinement and provides for random monitoring of your whereabouts. If the offender is unable to wear an electronic monitoring device due to health or medical reasons, it is recommended that home confinement with voice identification be ordered, which will provide for random checks on your whereabouts. Home detention with electronic monitoring or voice identification is not deemed appropriate and cannot be effectively administered in cases in which the offender has no bona fide residence, has a history of violent behavior, serious mental health problems, or substance abuse; has pending criminal charges elsewhere; requires frequent travel inside or outside the district; or is required to work more than 60 hours per week.
- ☐ You shall pay the cost of electronic monitoring or voice identification at the daily contractual rate, if you are financially able to do so.
- ☐ The Court waives the electronic/location monitoring component of this condition.
- ☐ (20) you shall comply with the terms of any court order or order of an administrative process pursuant to the law of a State, the District of Columbia, or any other possession or territory of the United States, requiring payments by you for the support and maintenance of a child or of a child and the parent with whom the child is living.
- ☐ (21) (deportation): you shall be surrendered to a duly authorized official of the Homeland Security Department for a determination on the issue of deportability by the appropriate authority in accordance with the laws under the Immigration and Nationality Act and the established implementing regulations. If ordered deported, you shall not reenter the United States without obtaining, in advance, the express written consent of the Attorney General or the Secretary of the Department of Homeland Security.
- ☒ (22) you shall satisfy such other special conditions as ordered below.
- ☐ (23) (if required to register under the Sex Offender Registration and Notification Act) you shall submit at any time, with or without a warrant, to a search of your person and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects, by any law enforcement or probation officer having reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by you, and by any probation officer in the lawful discharge of the officer's supervision functions (see special conditions section).
- ☐ (24) Other:

SPECIAL CONDITIONS OF SUPERVISED RELEASE PURSUANT TO 18 U.S.C. 3563(b)(22) and 3583(d)

The court imposes those conditions identified by checkmarks below:

During the term of supervised release:

- ☐ (1) if you have not obtained a high school diploma or equivalent, you shall participate in a General Educational Development (GED) preparation course and seek to obtain a GED within the first year of supervision.
- ☐ (2) you shall participate in an approved job skill-training program at the direction of a probation officer within the first 60 days of placement on supervision.
- ☐ (3) you shall, if unemployed after the first 60 days of supervision, or if unemployed for 60 days after termination or lay-off

DEFENDANT: KEVIN JOHNSON

CASE NUMBER: 14 CR 390-1

from employment, perform at least 20 hours of community service per week at the direction of the U.S. Probation Office until gainfully employed. The amount of community service shall not exceed [REDACTED] hours.

- ☐ (4) you shall not maintain employment where you have access to other individual's personal information, including, but not limited to, Social Security numbers and credit card numbers (or money) unless approved by a probation officer.
- ☒ (5) you shall not incur new credit charges or open additional lines of credit without the approval of a probation officer unless you are in compliance with the financial obligations imposed by this judgment.
- ☒ (6) you shall provide a probation officer with access to any requested financial information necessary to monitor compliance with conditions of supervised release.
- ☒ (7) you shall notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.
- ☐ (8) you shall provide documentation to the IRS and pay taxes as required by law.
- ☐ (9) you shall participate in a sex offender treatment program. The specific program and provider will be determined by a probation officer. You shall comply with all recommended treatment which may include psychological and physiological testing. You shall maintain use of all prescribed medications.
 - ☐ You shall comply with the requirements of the Computer and Internet Monitoring Program as administered by the United States Probation Office. You shall consent to the installation of computer monitoring software on all identified computers to which you have access. The software may restrict and/or record any and all activity on the computer, including the capture of keystrokes, application information, Internet use history, email correspondence, and chat conversations. A notice will be placed on the computer at the time of installation to warn others of the existence of the monitoring software. You shall not remove, tamper with, reverse engineer, or in any way circumvent the software.
 - ☐ The cost of the monitoring shall be paid by you at the monthly contractual rate, if you are financially able, subject to satisfaction of other financial obligations imposed by this judgment.
 - ☐ You shall not possess or use any device with access to any online computer service at any location (including place of employment) without the prior approval of a probation officer. This includes any Internet service provider, bulletin board system, or any other public or private network or email system.
 - ☐ You shall not possess any device that could be used for covert photography without the prior approval of a probation officer.
 - ☐ You shall not view or possess child pornography. If the treatment provider determines that exposure to other sexually stimulating material may be detrimental to the treatment process, or that additional conditions are likely to assist the treatment process, such proposed conditions shall be promptly presented to the court, for a determination, pursuant to 18 U.S.C. § 3583(e)(2), regarding whether to enlarge or otherwise modify the conditions of supervision to include conditions consistent with the recommendations of the treatment provider.
 - ☐ You shall not, without the approval of a probation officer and treatment provider, engage in activities that will put you in unsupervised private contact with any person under the age of 18, or visit locations where children regularly congregate (e.g., locations specified in the Sex Offender Registration and Notification Act.)
 - ☐ This condition does not apply to your family members: [REDACTED] [Names]
 - ☐ Your employment shall be restricted to the district and division where you reside or are supervised, unless approval is granted by a probation officer. Prior to accepting any form of employment you shall seek the approval of a probation officer, in order to allow the probation officer the opportunity to assess the level of risk to the community you will pose if employed in a particular capacity. You shall not participate in any volunteer activity that may cause you to come into direct contact with children except under circumstances approved in advance by a probation officer and treatment provider.
 - ☐ You shall provide the probation officer with copies of your telephone bills, all credit card statements/receipts, and any other financial information requested.
 - ☐ You shall comply with all state and local laws pertaining to convicted sex offenders, including such laws that impose restrictions beyond those set forth in this order.
- ☒ (10) you shall pay any financial penalty that is imposed by this judgment that remains unpaid at the commencement of the term of supervised release. Your monthly payment schedule shall be an amount that is at least 10% of your net monthly income, defined as income net of reasonable expenses for basic necessities such as food, shelter, utilities, insurance, and employment-related expenses.
- ☒ (11) you shall not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the court.
- ☐ (12) you shall repay the United States "buy money" in the amount of \$ [REDACTED] which you received during the commission of this offense.
- ☐ (13) if the probation officer determines that you pose a risk to another person (including an organization or members of the community), the probation officer may require you to tell the person about the risk, and you must comply with that instruction. Such notification could include advising the person about your record of arrests and convictions and substance use. The probation officer may contact the person and confirm that you have told the person about the risk.

DEFENDANT: KEVIN JOHNSON

CASE NUMBER: 14 CR 390-1

☒ (14) Other: You shall report to the probation officers as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;

Absent any constitutional privilege, you shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;

You shall reside at, or participate in, the Beit T'Shuvah Alternative Sentencing program until successful completion of the program, up to a period of 12 months. Defendant is to enter the program at soon as a space is available upon his release from incarceration.

DEFENDANT: KEVIN JOHNSON
 CASE NUMBER: 14 CR 390-1

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals	\$100.00	\$waived	\$200,000.00

☐ The determination of restitution is deferred until . An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
Robert R.		200,000.00	
Totals:		\$200,000.00	

- ☒ Restitution amount ordered pursuant to plea agreement \$ 200,000.00
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☒ the interest requirement is waived for the restitution.
- ☐ the interest requirement for the is modified as follows:
- ☐ The defendant's non-exempt assets, if any, are subject to immediate execution to satisfy any outstanding restitution or fine obligations.

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: KEVIN JOHNSON
CASE NUMBER: 14 CR 390-1

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A** ☒ Lump sum payment of \$200,100.00 due immediately.
- ☐ balance due not later than _____, or
- ☒ balance due in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C** ☐ Payment in equal _____ (e.g. weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal _____ (e.g. weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☒ Special instructions regarding the payment of criminal monetary penalties:
The defendant's monthly payment schedule shall be an amount that is at least 10% of defendant's net monthly income.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if Appropriate
Kevin Johnson, 14 CR 390-1 and Tyler Lang, 14 CR 390-2	\$200,000.00	\$200,000.00	Robert R.

- ☒ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

APPEAL,MARTIN,PROTO,TERMED

**United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 6,1 (Chicago)
CRIMINAL DOCKET FOR CASE #: 1:14-cr-00390-1
Internal Use Only**

Case title: USA v. Johnson et al

Date Filed: 07/08/2014

Date Terminated: 02/29/2016

Assigned to: Honorable Amy J. St. Eve

Defendant (1)**Kevin Johnson***TERMINATED: 02/29/2016**also known as*

Kevin Olliff

*TERMINATED: 02/29/2016*represented by **Michael Edward Deutsch**

People's Law Offices

1180 North Milwaukee Avenue

Chicago, IL 60622

(773) 235-0070

Email: michaeled45@gmail.com**LEAD ATTORNEY****ATTORNEY TO BE NOTICED***Designation: CJA Appointment***Lillian Mary McCartin**

Lillian McCartin Attorney At Law

2040 N. Milwaukee Ave.

Suite 13

Chicago, IL 60647

(773) 727-3799

Email: lillian.mccartin@gmail.com**ATTORNEY TO BE NOTICED***Designation: CJA Appointment***Rachel Anne Meeropol**

Center For Constitutional Rights

666 Broadway, 7th Floor

New York, NY 10012

(212) 614-6432

Email: rachelm@ccrjustice.org**PRO HAC VICE****ATTORNEY TO BE NOTICED***Designation: Retained***Pending Counts****Disposition**

FORCE, VIOLENCE AND THREATS
INVOLVING ANIMAL
ENTERPRISES
(1)

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 22 months (The court imposed a sentenced 36 months but gave the defendant a 14 month credit for his state court sentence. This 14 month credit includes the 4 months covering the time of the indictment in this case to the defendant's transfer back to state custody for a total term of 22 months). The defendant is remanded to the custody of the United States Marshal. Upon release from imprisonment, the defendant shall be on supervised release for a term of three years. The defendant shall make total restitution in the amount of \$200,000.00. Schedule of payments.

Highest Offense Level (Opening)

Felony

Terminated Counts

FORCE, VIOLENCE AND THREATS
INVOLVING ANIMAL
ENTERPRISES
(2)

Disposition

Any remaining counts are dismissed on the motion of the United States.

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Movant

Sudha Narayana Setty

represented by **Sudha Narayana Setty**
Western New England University
School of Law
1215 Wilbranham Road
Springfield, MA 01119
(413)782-1431
PRO SE

Joshua G. Herman

Law Office of Joshua G. Herman
53 West Jackson Blvd.
Suite 1650
Chicago, IL 60604
312-909-0434
Email: jherman@joshhermanlaw.com
ATTORNEY TO BE NOTICED
Designation: Retained

Plaintiff**USA**

represented by **Bethany Kaye Biesenthal**
United States Attorney's Office (NDIL)
219 South Dearborn Street
Suite 500
Chicago, IL 60604
(312) 886-7629
Fax: (312) 353-4324
Email: bethany.biesenthal@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

AUSA - Chicago

United States Attorney's Office (NDIL - Chicago)
219 South Dearborn Street
Chicago, IL 60604
Email: USAILN.ECFAUSA@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Pretrial Services

.
(312) 435-5793
Email:
ilnptdb_Court_Action_Notice@ilnpt.uscourts.gov
ATTORNEY TO BE NOTICED
Designation: Pretrial Services

Probation Department


.
408-5197
Email: Intake_Docket_ILNP@ilnp.uscourts.gov
ATTORNEY TO BE NOTICED
Designation: Probation Department


Abraham Richard Wagner

Law Office Of Abraham Wagner
 1875 Century Park East
 Suite 1000
 Los Angeles, CA 90067
 (310) 552-7533
 Email: arw@it.org
TERMINATED: 12/17/2014
PRO HAC VICE
Designation: Retained


Nancy L. DePodesta
 United States Attorney's Office (NDIL)
 219 South Dearborn Street
 Suite 500
 Chicago, IL 60604
 (312) 353-4224
 Email: nancy.depodesta@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

William Ridgway
 United States Attorney's Office
 Northern District of Illinois
 219 S. Dearborn St.
 Chicago, IL 60604
 312-469-6233
 Email: william.ridgway@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
07/08/2014	<u>1</u>	INDICTMENT as to Kevin Johnson (1) count(s) 1-2, Tyler Lang (2) count(s) 1-2. (ym,) (Entered: 07/14/2014)
07/08/2014	 <u>2</u>	(Court only) UNREDACTED (SEALED) INDICTMENT as to defendant Kevin Johnson, Tyler Lang. (ym,) (Entered: 07/14/2014)
07/08/2014	<u>3</u>	DESIGNATION Sheet: FELONY (Category 4). (ym,) (Entered: 07/14/2014)
07/08/2014	<u>4</u>	MINUTE entry before the Honorable Mary M. Rowland as to Kevin Johnson, Tyler Lang: No bond set. Defendant is currently in state custody and will be writ into federal custody at arraignment as to Kevin Johnson. The Government will seek continued detention pursuant to Title 18, United States Code, Section 3142. To issue bench warrant as to Tyler Lang. The Defendant is currently in California and the Government is requesting that a filed/signed copy of the Indictment and the arrest warrant be made available to the Assistant U.S. Attorney assigned to this case, in order to expedite the removal hearing on


		Wednesday morning. To set bond at \$10,000.00 and that Defendant be allowed to sign own recognizance bond. The District Court Clerk's Office is directed to disclose to the Assistant U.S. Attorney assigned to this case for the Government, the name of the Judge, Magistrate Judge, and the docket number assigned to this case, in order to expedite arraignment of the arrested Defendant. The Clerk's Office is also directed to provide the Assistant U.S. Attorney assigned to this case a certified copy of the arrest warrant as soon as they are available. This information is to remain sealed until the arrest of the Defendant, or by further order of the court, whichever occurs first. Do not seal arrest warrant. (ym,) (Entered: 07/14/2014)
07/11/2014		ORAL MOTION by USA to unseal indictment as to Kevin Johnson, Tyler Lang. (ym,) (Entered: 07/14/2014)
07/11/2014	6	ORDER as to Kevin Johnson, Tyler Lang: Government's oral request to unseal indictment is granted. Arraignment set for 7/29/14 at 10:00 a.m. Signed by the Honorable Milton I. Shadur on 7/11/2014. (ym,) (Entered: 07/14/2014)
07/14/2014	7	PETITION filed by USA as to Kevin Johnson <i>Petition for Writ of Habeas Corpus Ad Prosequendum</i> (Biesenthal, Bethany) (Docket Text Modified by Clerk's Office) (ym,). (Entered: 07/14/2014)
07/15/2014	8	NOTICE of Correction regarding 7 as to Kevin Johnson. (ym,) (Entered: 07/15/2014)
07/15/2014	11	ORDER as to Kevin Johnson: Pursuant to government's petition for writ of habeas corpus ad prosequendum the U.S. Marshal is directed to produce prisoner Kevin Johnson on July 29, 2014, at 10:00 a.m. for an arraignment before District Judge Milton I. Shadur. Signed by the Honorable Milton I. Shadur on 7/15/2014. (ym,) (Entered: 07/16/2014)
07/15/2014	12	ORDER as to Kevin Johnson Signed by the Honorable Milton I. Shadur on 7/15/2014. (ym,) (Entered: 07/16/2014)
07/16/2014	 13	WRIT of Habeas Corpus Ad Prosequendum issued to U.S. Marshal as to Kevin Johnson via email. (ym,) (Entered: 07/16/2014)
07/29/2014	16	ATTORNEY Appearance for defendant Kevin Johnson by Michael Edward Deutsch (Deutsch, Michael) (Entered: 07/29/2014)
07/29/2014	18	ORDER as to Kevin Johnson: Arraignment held on 7/29/2014. Order appointment of Michael E. Deutsch from the federal defender panel to represent defendant in this cause. Defendant acknowledges receipt of indictment and waives formal reading thereof. Defendant enters a plea of not guilty as to all counts. Government will turn over discovery after defendant's counsel has reviewed and approved protective order. Defendant's presence is waived for the next status hearing if he chooses not to appear after conferring with counsel. Should defendant Kevin Johnson wish to appear counsel should contact the Assistant United States Attorney to arrange his presence. Status hearing set for 10/1/2014 at 9:00 a.m. Defendant is to remain in custody until further order of


		Court. Time is excluded through 10/1/2014 pursuant to 18 USC 3161(h) (7)(A) and (B)(ii). Signed by the Honorable Milton I. Shadur on 7/29/2014. (ym,) (Entered: 07/30/2014)
07/29/2014	<u>19</u>	FINANCIAL Affidavit filed by Kevin Johnson (SEALED). (ym,) (Entered: 07/30/2014)
08/06/2014	<u>23</u>	MOTION by USA for protective order as to Kevin Johnson, Tyler Lang <i>Agreed Motion for Entry of Protective Order Governing Discovery</i> (Biesenthal, Bethany) (Entered: 08/06/2014)
08/06/2014	<u>24</u>	NOTICE of Motion by Bethany Kaye Biesenthal for presentment of motion for protective order <u>23</u> before Honorable Milton I. Shadur on 8/8/2014 at 09:15 AM. (Biesenthal, Bethany) (Entered: 08/06/2014)
08/08/2014	<u>25</u>	MINUTE entry before the Honorable Milton I. Shadur as to Kevin Johnson (1) and Tyler Lang (2): Motion hearing held. The government's agreed motion for entry of protective order governing discovery <u>23</u> is granted. Enter Protective Order Governing Discovery. The status hearing set for October 1, 2014 at 9:00 a.m. shall stand. Mailed notice (cdh,) (Entered: 08/08/2014)
08/08/2014	<u>27</u>	PROTECTIVE ORDER GOVERNING DISCOVERY as to Kevin Johnson and Tyler Lang Signed by the Honorable Milton I. Shadur on August 8, 2014. Mailed notice (cdh,) (Entered: 08/11/2014)
09/29/2014	<u>37</u>	MOTION by Kevin Johnson to join <i>Co-Defendants Pre-Trial Motions</i> (Deutsch, Michael) (Entered: 09/29/2014)
09/30/2014	<u>38</u>	MINUTE entry before the Honorable Milton I. Shadur: MOTION by Kevin Johnson to join co-defendant's pre-trial motions <u>37</u> is granted. Mailed notice (tlp,) (Entered: 09/30/2014)
09/30/2014	<u>39</u>	ATTORNEY Appearance for defendant Kevin Johnson by Lillian Mary McCartin <i>assisting Michael Deutsch</i> (McCartin, Lillian) (Entered: 09/30/2014)
10/01/2014	<u>40</u>	ATTORNEY Designation for USA of Nancy L. DePodesta (DePodesta, Nancy) (Entered: 10/01/2014)
10/01/2014	<u>41</u>	MOTION by USA for detention as to Kevin Johnson <i>Governments Motion to Detain Defendant Johnson Pending Trial</i> (Biesenthal, Bethany) (Entered: 10/01/2014)
10/01/2014	<u>42</u>	PETITION filed by USA as to Kevin Johnson <i>Petition for Writ of Habeas Corpus Ad Prosequendum</i> (Biesenthal, Bethany) (Entered: 10/01/2014)
10/01/2014	<u>43</u>	MINUTE entry before the Honorable Milton I. Shadur as to Kevin Johnson: Status and motion hearing held on 10/1/2014 and continued to 10/15/2014 at 9:30 a.m. Government to respond to present pretrial motions on or before 10/8/2014. Hearing on government's motion to detain defendant Johnson pending trial <u>41</u> set for 10/15/2014 at 9:30 a.m. Counsel for defendant has advised this court of his intention to file

		motion to dismiss within 30 days. Time continues to be excluded through and including 10/15/2014 pursuant to 18 USC § 3161(h)(1)(D). Mailed notice (tlp,) (Entered: 10/01/2014)
10/01/2014	45	ORDER as to Kevin Johnson: Government's petition for writ of habeas corpus ad prosequendum 42 is granted. Order writ of habeas corpus ad prosequendum to issue for the body of said prisoner Kevin Johnson returnable on October 15, 2014 at 9:30 a.m. Signed by the Honorable Milton I. Shadur on 10/1/2014. (ym,) (Entered: 10/02/2014)
10/01/2014	46	ORDER as to Kevin Johnson Signed by the Honorable Milton I. Shadur on 10/1/2014. (ym,) (Entered: 10/02/2014)
10/02/2014	 47	WRIT of Habeas Corpus Ad Prosequendum issued to U.S. Marshal as to Kevin Johnson via email. (ym,) (Entered: 10/02/2014)
10/04/2014	48	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-9928321. (Wagner, Abraham) (Entered: 10/04/2014)
10/08/2014	49	RESPONSE by USA as to Kevin Johnson, Tyler Lang regarding MOTION by Tyler Lang for disclosure of <i>government's intention to use Rule 404(b) evidence</i> 34 , MOTION by Tyler Lang for disclosure of <i>exculpatory and favorable evidence</i> 35 , MOTION by Tyler Lang for disclosure of <i>government's intention to use expert witness testimony</i> 33 , MOTION by Tyler Lang for disclosure of <i>government witness list</i> 31 , MOTION by Tyler Lang for disclosure of <i>government exhibit list</i> 32 <i>Governments Consolidated Response to Defendants Pretrial Motions</i> (Biesenthal, Bethany) (Entered: 10/08/2014)
10/09/2014	50	RESPONSE by Kevin Johnson regarding MOTION by USA for detention as to Kevin Johnson <i>Governments Motion to Detain Defendant Johnson Pending Trial</i> 41 <i>Motion to Set Bond and Conditions of Release</i> (Mccartin, Lillian) (Entered: 10/09/2014)
10/09/2014		MOTION by Kevin Johnson to set bond and conditions of release (Omitted Relief from response 50 .) (ym,) (Entered: 10/10/2014)
10/14/2014	51	REPLY by USA to MOTION by USA for detention as to Kevin Johnson <i>Governments Motion to Detain Defendant Johnson Pending Trial</i> 41 <i>Governments Reply in Support of Its Motion to Detain</i> (Biesenthal, Bethany) (Entered: 10/14/2014)
10/14/2014	52	PRETRIAL Bail Report as to Kevin Johnson (SEALED) (vv,) (Entered: 10/14/2014)
10/15/2014	53	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-9959076. (Meeropol, Rachel) (Entered: 10/15/2014)
10/15/2014	54	MINUTE entry before the Honorable Milton I. Shadur as to Kevin Johnson: Motion hearing held on 10/15/2014. MOTION by counsel Abraham R. Wagner and Rachel Meeropol for leave to appear pro hac vice on behalf of Kevin Johnson 48 , 53 is granted. Governments motion to detain defendant Kevin Johnson pending trial 41 is granted because no condition or combination of conditions will reasonably assure the

		safety of other persons and the community (See 18 U.S.C. § 3142(e)(1). For the reasons stated on the record, immediately upon release from state custody defendant Johnson will be remanded to federal custody. MOTIONS for preservation of agent's notes 29 ,to issue subpoenas in forma pauperis 30 , for disclosure of government witness list 31 ,for disclosure of government exhibit list 32 , for disclosure of government's intention to use expert witness testimony 33 ,for disclosure of government's intention to use Rule 404(b) evidence 34 ,for disclosure of exculpatory and favorable evidence 35 taken under advisement. Time continues to be excluded pursuant to 18 USC §3161(h)(1)(D). Mailed notice (tlp,) (Entered: 10/15/2014)
10/15/2014	56	MEMORANDUM ORDER Kevin Johnson, Tyler Lang: For the reasons stated in this memorandum order, all of defendants' motions are granted on the bases and pursuant to the timetables stated here. In addition, the government's cross motion for the early return of subpoenas is granted without objection. Finally, this matter is set for status hearing at 9:30 a.m. October 22, 2014, and time until then is excluded for Speedy Trial Act purposes under 18 U.S.C. § 3161(h)(7)(A) and (B)(ii). Signed by the Honorable Milton I. Shadur on 10/15/2014.Mailed notice (clw,) (Entered: 10/15/2014)
10/20/2014	61	LETTER from Abraham R. Wagner dated 10/15/2014. (ym,) (Entered: 10/23/2014)
10/21/2014	57	MOTION by Kevin Johnson to vacate MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-9928321. 48 (Mccartin, Lillian) (Entered: 10/21/2014)
10/21/2014	58	RESPONSE by USA as to Kevin Johnson regarding MOTION by Kevin Johnson to vacate MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-9928321. 48 57 (Wagner, Abraham) (Entered: 10/21/2014)
10/22/2014	59	MINUTE entry before the Honorable Milton I. Shadur:as to Kevin Johnson, Tyler Lang: The docket text for Memorandum Order entered 10/15/2014 is amended to include the following: Motions for preservation of agent's notes 29 , to issue subpoenas in forma pauperis (as to which the government requests and is granted reciprocal approval) 30 , for disclosure of government witness list 31 , for disclosure of government exhibit list 32 , for disclosure of government's intention to use expert witness testimony 33 , for disclosure of government's intention to use Rule 404(b) evidence 34 , for disclosure of exculpatory and favorable evidence 35 are granted, with modifications as to the time for compliance as to 31 , 32 , 33 and 34 . Mailed notice (clw,) (Entered: 10/22/2014)
10/22/2014		ORAL MOTION by Kevin Johnson, Tyler Lang for leave to exceed the page limit. (ym,) (Entered: 10/23/2014)
10/22/2014	60	ORDER as to Kevin Johnson, Tyler Lang: Status and motion hearing held on 10/22/2014. Defendants are given leave to file joint motion to



		dismiss the indictment and accompanying memorandum on or before 11/7/2014.. Defendants oral motion for leave to exceed the page limit is granted. MOTION by Kevin Johnson to vacate pro hac vice filing of Abraham Wagner 57 , which was entered in error as an appearance for defendant Johnson is granted. MOTION of Abraham R. Wagner for leave to appear pro hac vice on behalf of Edythe London, et al, Amici Curiae 48 is denied. Status hearing continued to 11/12/2014 at 9:00 a.m. Time continues to be excluded until 11/12/2014 for Speedy Trial Act purposes under 18 U.S.C. § 3161(h)(7)(A) and (B)(ii). Signed by the Honorable Milton I. Shadur on 10/22/2014. (ym,) (Entered: 10/23/2014)
11/06/2014	62	ATTORNEY Appearance for defendant Kevin Johnson by Rachel Anne Meeropol (Meeropol, Rachel) (Entered: 11/06/2014)
11/06/2014	63	MOTION by Kevin Johnson, Tyler Lang to dismiss <i>indictment</i> (Meeropol, Rachel) (Entered: 11/06/2014)
11/07/2014	64	MEMORANDUM Order as to Kevin Johnson, Tyler Lang. Status set for 11/12/2014 is vacated. Time thereafter will be further excluded on an open ended basis under 18 U.S.C. § 3161(h)(1)(D) until further order of this Court. Signed by the Honorable Milton I. Shadur on November 7, 2014. Mailed notice (tlp,) (Entered: 11/07/2014)
11/13/2014	65	Application by USA as to Kevin Johnson, Tyler Lang <i>Application for an Order Relating to Subject Phone 3</i> (Biesenthal, Bethany) (Entered: 11/13/2014)
11/13/2014	66	NOTICE of Appearance by USA as to Kevin Johnson, Tyler Lang regarding miscellaneous other 65 <i>Application for an Order Relating to Subject Phone 3</i> (Biesenthal, Bethany) (Entered: 11/13/2014)
11/13/2014	67	NOTICE of Appearance - Corrected by USA as to Kevin Johnson, Tyler Lang regarding miscellaneous other 65 <i>Application for an Order Relating to Subject Phone 3</i> (Biesenthal, Bethany) (Entered: 11/13/2014)
11/26/2014	70	ATTORNEY Appearance for movant, Sudha Setty by Joshua G. Herman. (ym,) (Entered: 11/26/2014)
11/26/2014	71	MOTION for Leave to Appear Pro Hac Vice by Sudha Setty; Filing fee \$ 50 paid, Receipt #4624130949. (ym,) (Entered: 11/26/2014)
11/26/2014	72	NOTICE of Motion by Sudha Narayana Setty for presentment of application to appear pro hac vice 71 before Honorable Milton I. Shadur on 12/3/2014 at 09:15 AM. (ym,) (Entered: 11/26/2014)
11/26/2014	73	MOTION by Sudha Narayana Setty for leave to file memorandum as Amicus Curiae in support of Defendant's motion to dismiss indictment (Exhibits). (ym,) (Entered: 11/26/2014)
11/26/2014	74	NOTICE of Motion by Sudha Narayana Setty for presentment of motion for leave to file memorandum as Amicus Curiae in support of



		Defendant's motion to dismiss indictment 73 before Honorable Milton I. Shadur on 12/3/2014 at 09:15 AM. (ym,) (Entered: 11/26/2014)
12/03/2014	76	ORDER as to Kevin Johnson (1), Tyler Lang (2): Motion hearing held on 12/3/2014. MOTION for leave to appear Pro Hac Vice by Sudha Setty 71 is granted. MOTION by Sudha Narayana Setty for leave to file memorandum as Amicus Curiae in support of defendant's motion to dismiss indictment 73 is denied without prejudice for the reasons stated on the record. Government is ordered to file a reply by 12/31/2014 in support of its application for an order relating to subject phone 3 65 . Status hearings set for 12/9/2014 and 12/19/2014 are vacated. Signed by the Honorable Milton I. Shadur on 12/3/14. (las,) (Entered: 12/04/2014)
12/12/2014	 77	<p>TRANSCRIPT OF PROCEEDINGS as to Kevin Johnson, Tyler Lang held on 10/15/2014, before the Honorable Milton I. Shadur. Court Reporter Contact Information: Rosemary Scarpelli, Rosemary_Scarpelli@ilnd.uscourts.gov, (312)435-5815.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 1/2/2015. Redacted Transcript Deadline set for 1/12/2015. Release of Transcript Restriction set for 3/12/2015. (Scarpelli, Rosemary) (Entered: 12/12/2014)</p>
12/12/2014	78	DOCUMENT Removed Per Court Order Dated 1/6/2015.(ym,). Modified on 1/6/2015 (ym,). (Entered: 12/12/2014)
12/12/2014	79	NOTICE of Motion for presentment of motion for leave to file brief as Amici Curiae, 78 before Honorable Milton I. Shadur on 12/17/2014 at 09:15 AM. (ym,) (Entered: 12/12/2014)
12/12/2014	80	DOCUMENT Removed Per Court Order, Dated 1/6/2015.(ym,). Modified on 1/6/2015 (ym,). (Entered: 12/12/2014)
12/12/2014	81	ATTORNEY Appearance of Amici Curiae by Christopher Cooper. (ym,) (Entered: 12/12/2014)
12/15/2014	84	NOTICE of of Opposition by Kevin Johnson as to Kevin Johnson, Tyler Lang regarding brief, 80 , MOTION by Kevin Johnson, Tyler Lang for leave to 78 (Deutsch, Michael) (Entered: 12/15/2014)
12/15/2014	85	NOTICE of Motion by Kevin Johnson as to Kevin Johnson, Tyler Lang regarding notice 84 (Deutsch, Michael) (Entered: 12/15/2014)
12/16/2014	91	RESPONSE And Opposition by Amici Curiae Edythe London, Et Al. to Defendant Johnson's opposition to filing of Amici's brief 84 and motion



		to strike the motion for leave to file an Amicus Brief (Exhibits). (ym,) (Entered: 12/19/2014)
12/16/2014	92	RESPONSE and Opposition by Amici Curiae Edythe London, Et Al. to Defendant Tyler Lang's Motion to strike motion for leave to file brief Amici Curiae in opposition to Defendant's motion to dismiss and accompanying brief of Amici Curiae 82 (Exhibits). (ym,) (Entered: 12/19/2014)
12/17/2014	86	ORDER as to Kevin Johnson (1): Motion hearing held on 12/17/2014. MOTION by Edythe D. London, J.David Jentsch, Albert Carnesale, Peter Whybrow, Dario Ringach, Michele A. Basso, Goran Lacan, Lynn Fairbanks, John Schlag, Madeleine Schlag-Rey, Linda J. Porrino, Nancy A. Ator, P. Michael Conn, Stephen J. Bergman, Marilyn E. Carroll, Bertha Madras, Jonathan C. Horton, Jane R. Taylor and Jed Rose for leave to file brief as Amici Curiae in opposition to defendant's motion to dismiss 63 as to Kevin Johnson and Tyler Lang 78 is denied. Appearances of attorneys Wagner and Cooper are stricken from the docket. Status hearing set for 12/19/2014 at 9:00 a.m. Signed by the Honorable Milton I. Shadur on 12/17/2014. (yap,) (Entered: 12/17/2014)
12/17/2014	88	RESPONSE by USA as to Kevin Johnson, Tyler Lang regarding MOTION by Kevin Johnson, Tyler Lang to dismiss <i>indictment</i> 63 <i>Governments Response to Defendants Motion to Dismiss</i> (Biesenthal, Bethany) (Entered: 12/17/2014)
12/18/2014	89	ATTORNEY Designation for USA of William Ridgway (Ridgway, William) (Entered: 12/18/2014)
12/19/2014	90	MINUTE entry before the Honorable Milton I. Shadur:Status hearing held on 12/19/2014. Government to file reply to MOTION by Kevin Johnson and Tyler Lang to dismiss indictment 63 by 1/16/2015. Mailed notice (tlp,) (Entered: 12/19/2014)
12/22/2014	93	EXECUTIVE COMMITTEE ORDER: It appearing that effective December 12, 2014, the Hon. Milton I. Shadur has elected to no longer receive new criminal cases; therefore It is hereby ordered that the Clerk of Court is to reassign, by lot, the cases on the attached list as indicated to another district court judge of this Court. Case as to Kevin Johnson, Tyler Lang Reassigned to the Honorable Amy J. St. Eve. Honorable Milton I. Shadur no longer assigned to the case.(mr,) (Entered: 12/22/2014)
12/22/2014	95	MINUTE entry before the Honorable Amy J. St. Eve:as to Kevin Johnson, Tyler Lang: Status hearing set for 1/6/2015 at 09:00 AM. Mailed notice (kef,) (Entered: 12/22/2014)
12/23/2014		(Court only) ***Motions terminated as to Kevin Johnson, Tyler Lang: 41 MOTION by USA for detention as to Kevin Johnson <i>Governments Motion to Detain Defendant Johnson Pending Trial</i> filed by USA,

		MOTION by Kevin Johnson to set bond and conditions of release filed by Kevin Olliff. (kef,) (Entered: 12/23/2014)
01/06/2015	<u>96</u>	ORDER as to Kevin Johnson, Tyler Lang: Status hearing held on 1/6/15 and continued to 2/11/15 at 9:00 a.m. Pursuant to Judge Shadur's 12/17/14 order, the Clerk's Office is directed to remove docs. 78 and 80 from the docket. Defendant Lang's sur-reply to the government's application for an order relating to subject phone 3 <u>65</u> shall be filed by 1/16/15. No further briefing unless ordered by the court. Pursuant to the provisions of the Speedy Trial Act, 18 U.S.C. 3161(h)(7)(B)(i), time is excluded in the interest of justice beginning 1/6/15 to 2/11/15. Signed by the Honorable Amy J. St. Eve on 1/6/2015. (ym,) (Entered: 01/06/2015)
01/16/2015	<u>97</u>	REPLY by Kevin Johnson, Tyler Lang to response to motion <u>88</u> (Attachments: # <u>1</u> Exhibit A and B, # <u>2</u> Exhibit C)(Meeropol, Rachel) (Entered: 01/16/2015)
01/21/2015	<u>99</u>	MINUTE entry before the Honorable Amy J. St. Eve:as to Kevin Johnson, Tyler Lang: Oral argument on defendants' motion to dismiss <u>63</u> set for 2/19/2015 at 10:00 AM. Defendant Lang's presence is waived for the 2/19/15 hearing. Mailed notice (kef,) (Entered: 01/21/2015)
01/23/2015	<u>100</u>	MINUTE entry before the Honorable Amy J. St. Eve:as to Kevin Johnson, Tyler Lang: Government's Application for an Order Relating to Subject Phone 3 <u>65</u> is granted. The government shall email the proposed order to Judge St. Eve's proposed order email, the link for which can be found on her web page. [For further details, see separate Memorandum Opinion and Order.] Mailed notice (kef,) (Entered: 01/23/2015)
01/23/2015	<u>101</u>	MEMORANDUM Opinion and Order as to Kevin Johnson, Tyler Lang Signed by the Honorable Amy J. St. Eve on 1/23/15.Mailed notice (kef,) (Entered: 01/23/2015)
01/23/2015	<u>102</u>	ORDER as to Kevin Johnson, Tyler Lang Signed by the Honorable Amy J. St. Eve on 1/23/15.Mailed notice (kef,) (Entered: 01/23/2015)
01/23/2015	<u>103</u>	ORDER to Service Provider as to Kevin Johnson, Tyler Lang Signed by the Honorable Amy J. St. Eve on 1/23/15.Mailed notice (kef,) (Entered: 01/23/2015)
02/03/2015	<u>104</u>	ORDER to Service Provider as to Kevin Johnson, Tyler Lang Signed by the Honorable Amy J. St. Eve on 2/3/15.Mailed notice (kef,) (Entered: 02/03/2015)
02/11/2015	<u>105</u>	MINUTE entry before the Honorable Amy J. St. Eve:as to Kevin Johnson, Tyler Lang: Status hearing held on 2/11/2015. Oral argument remains set for 2/19/15 at 10:00 a.m. Pursuant to the provisions of the Speedy Trial Act, 18 U.S.C. 3161(h)(7)(B)(i), time is excluded in the interest of justice and pending pretrial motions beginning 2/11/15 to 2/19/15. Mailed notice (kef,) (Entered: 02/11/2015)

02/19/2015	<u>106</u>	MINUTE entry before the Honorable Amy J. St. Eve:as to Kevin Johnson, Tyler Lang: Oral argument on defendants' motion to dismiss <u>63</u> held on 2/19/15. Status hearing set for 3/24/2015 at 09:00 AM. Pursuant to the provisions of the Speedy Trial Act, 18 U.S.C. 3161(h)(7)(B)(i), time is excluded in the interest of justice beginning 2/19/15 to 3/24/15. Mailed notice (kef,) (Entered: 02/19/2015)
03/03/2015	<u>110</u>	NOTICE by Joshua G. Herman of Change of Address (Herman, Joshua) (Entered: 03/03/2015)
03/05/2015	<u>111</u>	MINUTE entry before the Honorable Amy J. St. Eve: as to Kevin Johnson, Tyler Lang: Defendants' motion to dismiss the indictment <u>63</u> is denied. [For further details, see separate Memorandum Opinion and Order.] Mailed notice (kef,) (Entered: 03/05/2015)
03/05/2015	<u>112</u>	MEMORANDUM Opinion and Order as to Kevin Johnson, Tyler Lang Signed by the Honorable Amy J. St. Eve on 3/5/15.Mailed notice (kef,) (Entered: 03/05/2015)
03/24/2015	<u>113</u>	MINUTE entry before the Honorable Amy J. St. Eve:as to Kevin Johnson, Tyler Lang: Status hearing held on 3/24/2015 and continued to 5/6/2015 at 09:00 AM. Pursuant to the provisions of the Speedy Trial Act, 18 U.S.C. 3161(h)(7)(B)(i), time is excluded in the interest of justice beginning 3/24/15 to 5/6/15. Mailed notice (kef,) (Entered: 03/24/2015)
05/06/2015	<u>115</u>	MINUTE entry before the Honorable Amy J. St. Eve:as to Kevin Johnson: Status hearing held on 5/6/2015. Change of Plea Hearing set for 5/6/15 is stricken and reset to 5/26/2015 at 9:00 AM. Courtesy copy of any plea agreement/plea declaration shall be delivered by 3:00 p.m. on 5/22/15. Pursuant to the provisions of the Speedy Trial Act, 18 U.S.C. 3161(h)(7)(B)(i), time is excluded in the interest of justice beginning 5/6/15 to 5/26/15. Mailed notice (kef,) (Entered: 05/06/2015)
05/19/2015	<u>116</u>	MINUTE entry before the Honorable Amy J. St. Eve:as to Kevin Johnson: Change of Plea Hearing set for 5/26/2015 is reset from 2:30 p.m. to 2:00 p.m. Mailed notice (kef,) (Entered: 05/19/2015)
05/20/2015	<u>117</u>	MINUTE entry before the Honorable Amy J. St. Eve:as to Kevin Johnson: At defendant's unopposed request, Change of Plea Hearing set for 5/26/15 is stricken and reset to 6/26/2015 at 9:30 AM. Courtesy copy of any plea agreement/plea declaration shall be delivered by 3:00 p.m. on 6/25/15. Pursuant to the provisions of the Speedy Trial Act, 18 U.S.C. 3161(h)(7)(B)(i), time is excluded in the interest of justice beginning 5/20/15 to 6/26/15. Mailed notice (kef,) (Entered: 05/20/2015)
05/26/2015	<u>119</u>	MINUTE entry before the Honorable Amy J. St. Eve:as to Kevin Johnson: Change of Plea Hearing set for 6/26/2015 is reset from 9:30 a.m. to 9:45 a.m. Mailed notice (kef,) (Entered: 05/26/2015)
06/26/2015	<u>123</u>	ORDER as to Kevin Johnson: Change of plea hearing held on 6/26/15. Defendant informed of his rights. Plea Agreement executed in open

		court. Defendant enters a conditional plea of guilty to count one of the indictment. Judgment of guilty entered. Cause referred to the Probation Office for a Pre-Sentence Investigation Report. Government's version of the offense shall be delivered to Probation by 7/2/15. Defendant's version by 7/9/15. Sentencing memoranda and/or objections to the PSR shall be filed by 10/22/15. Parties must also include their proposed conditions of supervised release and reasons for those proposals. Responses to the sentencing memorandum and to the proposed conditions of release shall be filed by 10/29/15. Sentencing set for 11/5/15 at 9:15 am. Defendant shall remain in custody as previously ordered. The Probation Office is directed to disclose to counsel for both the government and the defendant the officer's sentencing recommendations. The Probation Office should provide this information to counsel at the same time it provides its recommendations to the Court. No later than 30 days before sentencing, parties are directed to notify the court if sentencing is anticipated to last longer than 45 minutes. Signed by the Honorable Amy J. St. Eve on 6/26/2015. (ym,) (Entered: 06/30/2015)
06/26/2015	124	PLEA Agreement as to Kevin Johnson. (ym,) (Entered: 06/30/2015)
06/29/2015	121	MOTION by Kevin Johnson to seal document as to Kevin Johnson, Tyler Lang (Deutsch, Michael) (Entered: 06/29/2015)
06/29/2015	122	MINUTE entry before the Honorable Amy J. St. Eve: as to Kevin Johnson: Defendant's motion to seal portions of defendant's 6/26/15 guilty plea transcript 121 is granted without objection. Mailed notice (kef,) (Entered: 06/29/2015)
07/27/2015	127	MOTION by Kevin Johnson to continue <i>Sentencing Date</i> (Deutsch, Michael) (Entered: 07/27/2015)
08/04/2015	128	MINUTE entry before the Honorable Amy J. St. Eve: as to Kevin Johnson: Defendant's motion to continue sentencing date 127 is granted. Sentencing set for 11/5/15 is stricken and reset to 12/21/2015 at 09:15 AM. Sentencing memoranda and/or objections to the PSR shall be filed by 12/7/15. Parties must also include their proposed conditions of supervised release and reasons for those proposals. Responses to the sentencing memorandum and to the proposed conditions of release shall be filed by 12/14/15. Mailed notice (kef,) (Entered: 08/04/2015)
08/21/2015		(Court only) ***Motions terminated as to Kevin Johnson: 131 SEALED MOTION by Kevin Johnson <i>Ex Parte Submission of Experts Hourly Rate and Hours</i> filed by Kevin Johnson. (kef,) (Entered: 08/21/2015)
10/29/2015	 134	TRANSCRIPT OF PROCEEDINGS as to Kevin Johnson, Tyler Lang held on 12/17/2014, before the Honorable Milton I. Shadur. Court Reporter Contact Information: Rosemary Scarpelli, Rosemary_Scarpelli@ilnd.uscourts.gov, (312)435-5815. IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the

		<p>deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 11/19/2015. Redacted Transcript Deadline set for 11/30/2015. Release of Transcript Restriction set for 1/27/2016. (Scarpelli, Rosemary) (Entered: 10/29/2015)</p>
11/02/2015	136	<p>MINUTE entry before the Honorable Amy J. St. Eve:as to Kevin Johnson: At defendant's request, Sentencing set for 12/21/15 is stricken and reset to 2/8/2016 at 09:15 AM. Sentencing memoranda and/or objections to the PSR shall be filed by 1/25/16. Parties must also include their proposed conditions of supervised release and reasons for those proposals. Responses to the sentencing memorandum and to the proposed conditions of release shall be filed by 2/1/16. Mailed notice (kef,) (Entered: 11/02/2015)</p>
12/21/2015	 138	<p>TRANSCRIPT OF PROCEEDINGS as to Kevin Johnson, Tyler Lang held on 2/19/15, before the Honorable Amy J. St. Eve. Court Reporter Contact Information: Joseph Rickhoff, 312-435-5562, joseph_rickhoff@ilnd.uscourts.gov.<P>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</P> Redaction Request due 1/11/2016. Redacted Transcript Deadline set for 1/21/2016. Release of Transcript Restriction set for 3/21/2016. (Rickhoff, Joseph) (Entered: 12/21/2015)</p>
12/31/2015	 139	<p>(Court only) SENTENCING Recommendation as to Kevin Johnson (SEALED) (Fitzgerald, Josie) (Entered: 12/31/2015)</p>
12/31/2015	140	<p>PRESENTENCE Investigation Report as to Kevin Johnson (SEALED) (Attachments: # 1 Supplement Plea Agreement)(Fitzgerald, Josie) (Entered: 12/31/2015)</p>
01/06/2016	141	<p>MINUTE entry before the Honorable Amy J. St. Eve:as to Kevin Johnson: Sentencing set for 2/8/16 is stricken and reset to 2/29/16 at 9:30 a.m. Sentencing memoranda and/or objections to the PSR shall be filed by 2/8/16. Parties must also include their proposed conditions of supervised release and reasons for those proposals. Responses to the sentencing memorandum and to the proposed conditions of release shall be filed by 2/17/16. Mailed notice (kef,) (Entered: 01/06/2016)</p>
02/08/2016	142	<p>MINUTE entry before the Honorable Amy J. St. Eve:as to Kevin Johnson: Defendant's oral request for leave to file his sentencing</p>

		memorandum under seal is granted. Mailed notice (kef,) (Entered: 02/08/2016)
02/08/2016	143	SEALED Document (Attachments: # 1 Exhibit Mitigation Report, # 2 Exhibit Attachment B, # 3 Exhibit Attachment C, # 4 Exhibit Attachment D, # 5 Exhibit Attachment E)(Mccartin, Lillian) (Entered: 02/08/2016)
02/08/2016	144	SENTENCING MEMORANDUM as to Kevin Johnson (Biesenthal, Bethany) (Entered: 02/08/2016)
02/16/2016	145	MINUTE entry before the Honorable Amy J. St. Eve:as to Kevin Johnson: Defendant's oral request for leave to file his responsive sentencing memorandum under seal is granted. Mailed notice (kef,) (Entered: 02/16/2016)
02/17/2016	146	SEALED MOTION by Kevin Johnson <i>Kevin Johnson's Response to the Government's Position Paper on Sentencing</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Mccartin, Lillian) (Entered: 02/17/2016)
02/17/2016	147	RESPONSE by USA to sealed document 143 (Biesenthal, Bethany) (Entered: 02/17/2016)
02/18/2016	148	MINUTE entry before the Honorable Amy J. St. Eve:as to Kevin Johnson: Sentencing set for 2/29/2016 is reset from 9:30 a.m. to 10:00 a.m. Mailed notice (kef,) (Entered: 02/18/2016)
02/23/2016		(Court only) ***Motions terminated as to Kevin Johnson: 146 SEALED MOTION by Kevin Johnson <i>Kevin Johnson's Response to the Government's Position Paper on Sentencing</i> filed by Kevin Johnson. (kef,) (Entered: 02/23/2016)
02/29/2016	149	MINUTE entry before the Honorable Amy J. St. Eve:as to Kevin Johnson: Sentencing held on 2/29/2016. Mailed notice (kef,) (Entered: 02/29/2016)
02/29/2016		(Court only) ***Procedural Interval start P6 as to count one of the indictment as to Kevin Johnson. (ym,) (Entered: 03/02/2016)
02/29/2016	150	JUDGMENT (Sentencing Order) as to Kevin Johnson (1), Count(s) 1, The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 22 months (The court imposed a sentenced 36 months but gave the defendant a 14 month credit for his state court sentence. This 14 month credit includes the 4 months covering the time of the indictment in this case to the defendant's transfer back to state custody for a total term of 22 months). The defendant is remanded to the custody of the United States Marshal. Upon release from imprisonment, the defendant shall be on supervised release for a term of three years. The defendant shall make total restitution in the amount of \$200,000.00. Schedule of payments. Count (s) 2, Any remaining counts are dismissed on the motion of the United States. (Terminated defendant Kevin Johnson). Signed by the Honorable Amy J. St. Eve on 2/29/2016. Mailed certified copy to defendant Kevin

		Johnson's counsel of record Michael Deutsch. (ym,) (Entered: 03/02/2016)
02/29/2016	<u>151</u>	STATEMENT of Reasons as to Kevin Johnson(SEALED). Mailed certified copy to defendant Kevin Johnson's counsel of record Michael Deutsch. (ym,) (Entered: 03/02/2016)
03/02/2016		JUDGMENT and Commitment as to Kevin Johnson issued to U.S. Marshal via email. (ym,) (Entered: 03/02/2016)
03/02/2016	<u>152</u>	NOTICE OF APPEAL by Kevin Johnson regarding judgment, terminated defendant, set/clear flags,,,,,,,,,,,,, <u>150</u> (Deutsch, Michael) (Entered: 03/02/2016)
03/02/2016	<u>153</u>	NOTICE of Appeal Due letter sent to counsel of record regarding notice of appeal <u>152</u> . (smm) (Entered: 03/02/2016)